

REMARKS

The Final Office Action of December 16, 2010 has been carefully reviewed. The Applicants respectfully request the Examiner to reconsider the rejections and allow the pending claims in view of the following remarks.

Claims 1-5, 7-27, and 34-39 are pending. Claims 6, 11-26, and 28-33 are canceled. Claims 27 and 34-39 are withdrawn from consideration. Claims 1-5 and 7-10 stand rejected. Claims 8, 27, 37, and 39 are hereby amended.

Claim Objections

In the Final Office Action mailed December 16, 2010, the Examiner objected to claim 8. Claim 8 has been amended to overcome the Examiner's objection. Applicants respectfully request withdrawal of the objection.

Claim Rejections – 35 U.S.C. § 103

In the Final Office Action mailed December 16, 2010, the Examiner rejected claims 1, 5, 7, and 10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,294,394 issued to Sakai et al. on March 15, 1994 (hereinafter referred to as "Sakai") in view of U.S. Patent Publication No. 2002/0009935 A1 issued to Hsiao on January 24, 2002 (hereinafter referred to as "Hsiao"). In addition, the Examiner rejected claims 2 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of Hsiao and in further view of U.S. Patent Publication No. 2003/0161989 A1 issued to Funakoshi on August 28, 2002 (hereinafter referred to as "Funakoshi"). In addition, the Examiner rejected claims 3 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of Hsiao and in further view of U.S. Patent No. 6,749,934 issued to Nagayama on June 15, 2004 (hereinafter referred to as "Nagayama"). In addition, the Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of

Hsiao and in further view of EP Patent No. 0945253 A2 issued to Bassett et al. on September 29, 1999 (hereinafter referred to as Bassett"). Claims 2-5 and 7-10 depend from independent claim 1 and, as such, stand or fall on the application of the combination of Sakai and Hsiao to independent claim 1.

For the reasons that follow, Applicants respectfully request withdrawal of the pending rejections.

As noted by the United States Supreme Court in *Graham v. John Deere Co. of Kansas City*, an obviousness determination begins with a finding that "the prior art as a whole in one form or another contains all" of the elements of the claimed invention. See *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 22 (U.S. 1966). Applicants respectfully submit that the combination of Sakai and Hsiao (without conceding that such is proper) fails to contain all of the elements of the claimed invention, and therefore cannot render obvious the pending claims.

Particularly, Applicants submit that the combination of Sakai and Hsiao fails to contain the limitations that ***the continuous reinforcing fiber-impregnated prepreg layer comprises a plurality of tapes or strands that have been aligned to form welts and warps***, and that ***each of the plurality of tapes or strands have been impregnated with a thermoplastic resin prior to being aligned***. Independent claim 1 reads:

1. A thermoplastic composite sheet comprising:
a center layer prepared by melt-extruding a thermoplastic composite material containing thermoplastic resin; and
a continuous reinforcing fiber-impregnated prepreg layer laminated on at least one whole surface of an upper surface and lower surface of the center layer, the prepreg layer comprising 5-65% by weight of reinforcing fibers and 35-95% by weight of thermoplastic resin;
wherein the continuous reinforcing fiber-impregnated prepreg layer comprises a plurality of tapes or strands that have been aligned to form welts and warps, and
wherein each of the plurality of tapes or strands have been impregnated with a thermoplastic resin prior to being aligned; and

the center layer of thermoplastic composite material is a foaming layer or a glass fiber-reinforced thermoplastic resin layer.

See supra. As shown above, independent claim 1 has been amended to recite the limitations that *the continuous reinforcing fiber-impregnated prepreg layer comprises a plurality of tapes or strands that have been aligned to form wefts and warps*, and that *each of the plurality of tapes or strands have been impregnated with a thermoplastic resin prior to being aligned*. Support for the amendments is found in the Specification. See Application at [0036]-[0038]. Applicants respectfully submit that neither Sakai nor Hsiao contains these limitations and, as such, the combination of Sakai and Hsiao cannot render obvious independent claim 1 or the claims depending therefrom. Application respectfully request withdrawal of the rejections and allowance of the claims.

CONCLUSION

The Applicants respectfully submit that the application, in its present form, is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, the Examiner is encouraged to telephone the undersigned at (972) 731-2288. The Applicants intend this communication to be a complete response to the Final Office Action mailed December 16, 2010.

The Commissioner is hereby authorized to charge payment of any fee associated with any of the foregoing papers submitted herewith or any fees during the prosecution of the present case to Deposit Account No. 50-1515, Conley Rose, P.C.

Respectfully submitted,

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